

value because of its enzyme content and was not a tonic. Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of high blood pressure, hardening of the arteries, ulcerative colitis, fading strength, nervous exhaustion, failing memory, cerebral rupture, valvular disease of the heart, pulmonary tuberculosis, general weakness, fatigue, headaches, and dizzy spells, and for providing energy and improving digestion, which were the conditions and purposes for which the article was offered in a circular disseminated and sponsored by the distributor, Balanced Foods, Inc., and entitled "Which of These Dread Killers Threaten Your Advancing Years."

DISPOSITION: October 22, 1953. Default decree of condemnation and destruction.

4213. Misbranding of Unitone tablets. U. S. v. 90 Bottles * * *. (F. D. C. No. 35240. Sample No. 20158-L.)

LIBEL FILED: May 19, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about April 6, 1953, by the Unitone Corp., from New York, N. Y.

PRODUCT: 90 bottles of *Unitone tablets* at St. Paul, Minn.

LABEL, IN PART: (Bottle) "Unitone Brand of B-Amino Complex * * * Vitamins * * * Amino Acids * * * Di and Tri-Valent Minerals * * * Unitone Corporation, Distributors New York, N. Y."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of deafness, which was the condition for which the article was offered in advertising sponsored by and on behalf of its manufacturer and distributor.

DISPOSITION: October 9, 1953. The shipper of the product having appeared as claimant and filed an answer denying that the product was misbranded, and later having withdrawn its answer and consented to the disposition of the case as a default matter, the court entered a decree providing for the destruction of the product.

4214. Misbranding of Color-Therm device. U. S. v. Fred Gerkey. Motion to dismiss denied. Plea of guilty. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 34853. Sample No. 16460-L.)

INFORMATION FILED: March 31, 1953, District of Kansas, against Fred Gerkey, Mission, Kans.

ALLEGED SHIPMENT: On or about August 2, 1951, from the State of Kansas into the State of Oklahoma.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use in that the device failed to bear labeling revealing the conditions for which it was to be used.

DISPOSITION: The defendant filed a motion to dismiss the information on May 6, 1953, and on June 9, 1953, after hearing arguments of counsel, the court overruled the motion. Thereafter, the defendant entered a plea of guilty, and, on October 12, 1953, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

4215. Adulteration and misbranding of amphetamine sulfate tablets. U. S. v. Leo Henzel (Penn-Lee Products). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 24220. Sample Nos. 52302-H, 53635-H.)

INFORMATION FILED: July 8, 1948, Northern District of Illinois, against Leo Henzel, trading as Penn-Lee Products, Chicago, Ill.

ALLEGED SHIPMENT: On or about July 15 and August 31, 1946, from the State of Illinois into the States of Minnesota and Ohio.

LABEL, IN PART: (Bottle) "Amphetamine Sulfate Tablets 10 Mgs. [or "5 Mgs.]" per Tablet * * * Penn-Lee Products Chicago Distributors Ill."

NATURE OF CHARGE: Adulteration, Section 501 (d) (2), desoxyephedrine hydrochloride had been substituted for amphetamine sulfate.

Misbranding, Section 502 (a), the label statement "Amphetamine Sulfate Tablets" was false and misleading since the article did not consist of amphetamine sulfate tablets but consisted of desoxyephedrine hydrochloride tablets.

DISPOSITION: October 15, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$200.

4216. Adulteration of estrogen tablets. U. S. v. Robin Pharmacal Corp. Plea of guilty. Fine, \$200. (F. D. C. No. 33783. Sample No. 813-L.)

INFORMATION FILED: May 14, 1953, Southern District of New York, against the Robin Pharmacal Corp., New York, N. Y.

ALLEGED SHIPMENT: Between December 1 and 31, 1950, from the State of New York into the State of Florida.

LABEL, IN PART: (Bottle) "1000 Each tablet contains 1.25 mgm. of estrogens in their naturally occurring water soluble form, expressed as sodium estrone sulfate Robin Pharmacal Co. New York, N. Y. 2339."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since each tablet of the article contained less than the declared amount of 1.25 milligrams of estrogens in their naturally occurring water-soluble form expressed as sodium estrone sulfate.

DISPOSITION: October 8, 1953. The defendant having entered a plea of guilty, the court fined it \$200.

4217. Adulteration and misbranding of Hep-Vi-Plex. U. S. v. 63 Vials * * *. (F. D. C. No. 34659. Sample No. 66905-L.)

LIBEL FILED: February 12, 1953, Eastern District of Pennsylvania; libel amended March 5, 1953.

ALLEGED SHIPMENT: On or about November 17, 1952, by the Gold Leaf Pharmacal Co., from New Rochelle, N. Y.

PRODUCT: 63 vials of *Hep-Vi-Plex* at Philadelphia, Pa. Analysis showed that the product contained approximately 25 percent of the declared amount of vitamin B₁₂ activity per 2 cc.

*See also Nos. 4209, 4212.